

DECISION ON APPLICANT REQUEST FOR RECONSIDERATION

Under section 60851 of title 2 of the California Code of Regulations, if the Bureau of State Audits or the Applicant Review Panel decides to exclude or remove an applicant from the pool of applicants being considered for selection to the Citizens Redistricting Commission, the applicant may, no later than 10 days after the date of the notification of exclusion or removal, request reconsideration of the decision if the decision was the result of an error relating to:

- Having a conflict of interest;
- Failing to satisfy the eligibility requirements for serving on the commission; or
- Failing to comply with the procedural requirements of the application process.

Name of the Applicant/Requestor: Alan S. Elmont.

Date of the notice of exclusion or removal: April 19, 2010.

Date the request for reconsideration was received: April 19, 2010.

Description of the alleged error that caused the exclusion or removal: Applicant incorrectly stated in Part 3 of the supplemental application that his three children, with whom he has a bona fide relationship, have each engaged in an activity within the past ten years that causes Applicant to have a conflict of interest that makes him ineligible to serve as a member of the Citizens Redistricting Commission.

Request for reconsideration is: Granted.

Reason for granting or denying the request: Although Applicant answered “yes,” regarding each of his three children, that he has a special (bona fide) relationship with the child and the child has, within the past ten years, engaged in an activity that would cause Applicant to have a conflict of interest under the Voters FIRST Act, his explanation of the activity indicates that he did not understand the question. When Applicant went on, for each of his children, to describe the activity the child has engaged in that causes Applicant to have a conflict of interest, Applicant described the activity as Applicant providing the child with some sort of financial support. As Applicant’s children receiving financial support from Applicant is not an activity that could Applicant to have a conflict of interest under the Act, it appears that Applicant confused the question about whether he has a bona fide relationship with his children with whether his children have engaged in any of the activities that could cause Applicant to have a conflict of interest. Moreover, Applicant affirmed in his request for reconsideration that he confused the two questions, and that the correct answer to the question, regarding each of his children, about whether the child has engaged in any activity that would cause Applicant to have a conflict of interest is “no.” It therefore appears that Applicant should not be excluded from the applicant pool.

Applicant’s current status: Included in the supplemental applicant pool.

Name and title of person making decision: Steven Benito Russo, Senior Staff Counsel.

Date of decision: April 21, 2010.